

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**IN RE:**

**LIMETREE BAY SERVICES, LLC, *et al.*,<sup>1</sup>  
Debtors.**

**LIMETREE BAY REFINING, LLC**

Plaintiff,

v.

**BEECHER COTTON, PAMELA COLON,  
SIRDINA ISAAC-JOSEPH, ESTHER  
CLIFFORD, SYLVIA BROWNE, ALVINA  
JEAN-MARIE ILARRAZA, FRANCIS E.  
CHARLES, THERESA J. CHARLES, HELEN  
SHIRLEY, ANISHA HENDRICKS, CRISTEL  
RODRIGUEZ, JOSIE BARNES, ARLEEN  
MILLER, ROSALBA ESTEVEZ, ISIDORE  
JULES, JOHN SONSON, VIRGINIE  
GEORGE, CLIFFORD BOYNES,  
CHRISTOPHER CHRISTIAN, MARGARET  
THOMPSON, DELIA ALMESTICA, CARLOS  
CHRISTIAN, ANNA REXACH-  
CONSTANTINE, MERVYN CONSTANTINE,  
NEAL DAVIS, EDNA SANTIAGO,  
GUIDRYCIA WELLS, O'SHAY WELLS,  
AARON G. MAYNARD, VERNE MCSWEEN,  
ROCHELLE GOMEZ, MYRNA MATHURIN,  
JOAN MATHURIN, LEOBA JOHN  
BAPTISTE, WARRINGTON CHAPMAN,  
AND ANNE MARIE JOHN BAPTISTE,**

Defendants.

**CHAPTER 11**

**CASE NO.: 21-32351**

**(Jointly Administered)**

**(Emergency Hearing Requested)**

**Adv. Pro. No. 21-03791**

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, as applicable, are: Limetree Bay Services, LLC (1866); Limetree Bay Refining Holdings, LLC (1776); Limetree Bay Refining Holdings II, LLC (1815); Limetree Bay Refining, LLC (8671); Limetree Bay Refining Operating, LLC (9067); Limetree Bay Refining Marketing, LLC (9222). The Debtors' mailing address is Limetree Bay Services, LLC, 11100 Brittmoore Park Drive, Houston, TX 77041.

**DEBTOR'S EMERGENCY MOTION TO COMPEL  
ATTENDANCE OF THE DEBTOR'S INSURERS AT MEDIATION**

Emergency relief has been requested. Relief is requested not later than 10:00 a.m. (CT) on August 27, 2021, or as soon as practical thereafter.

If you object to the relief requested or you believe that emergency consideration is not warranted, you must appear at the hearing if one is set, or file a written response prior to the date that relief is requested in the preceding paragraph. Otherwise, the Court may treat the pleading as unopposed and grant the relief requested.

A hearing will be conducted on this matter on August 27, 2021, at 10:00 a.m. (prevailing Central Time) in Courtroom 400, 4th floor, 515 Rusk St., Houston, Texas 77002. Participation in the hearing will only be permitted by an audio and video connection.

Audio communication will be by use of the Court's dial-in facility. You may access the facility at (832) 917-1510. You will be responsible for your own long-distance charges. Once connected, you will be asked to enter the conference room number. Judge Jones's conference room number is 205691. Video communication will be by use of the GoToMeeting platform. Connect via the free GoToMeeting application or click the link on Judge Jones's home page. The meeting code is "Judge Jones". Click the settings icon in the upper right corner and enter your name under the personal information setting.

Hearing appearances must be made electronically in advance of both electronic and in-person hearings. To make your appearance, click the "Electronic Appearance" link on Judge Jones's home page. Select the case name, complete the required fields and click "Submit" to complete your appearance.

1. Limetree Bay Refining, LLC (the "**Limetree Refining**," or the "**Debtor**"), which, along with its debtor affiliates (together, the "**Debtors**"), are debtors and debtors in possession in the above-captioned chapter 11 cases, seeks entry of an order, substantially in the form attached hereto as Exhibit A (the "**Order**") compelling the Debtor's insurers, namely American International Group UK Limited, Allianz Global Corporate & Specialty / Interstate Fire and Casualty Co., Arch Insurance (Bermuda), Argo Re Ltd., AXA XL Bermuda Ltd., Axis Surplus Lines Insurance Company, Chubb Bermuda Insurance Ltd., Chubb North American on behalf of Westchester Surplus Lines Ins. Co., Endurance Specialty Insurance Ltd., Enviant, Ironshore Specialty Insurance Company, Hamilton Re Ltd., Liberty Specialty Markets Bermuda Limited, Markel Bermuda Limited / Evanston Insurance Company, Oil Casualty Insurance, Ltd., SCOR,

and Underwriters at Lloyd's of London/The Chaucer Group and Apollo Syndicate Management Ltd. (collectively, the “**Insurers**”) to attend mediation currently pending before the Honorable Marvin Isgur as Mediator (the “**Mediator**”). In support thereof, the Debtor respectfully states as follows:

## **I. BACKGROUND**

2. On July 26, 2021, the Debtor commenced the above-captioned adversary proceeding against plaintiffs in *Cotton v. Limetree Bay Ventures, LLC*, Case No. 1:21-cv-00261 (D.V.I.) (the “**Cotton Class Action**”), the *Shirley v. Limetree Bay Ventures LLC*, Case No. 1:21-cv-00259 (D.V.I.) (the “**Shirley Class Action**”), the *Boynes v. Limetree Bay Ventures, LLC*, Case No. 1:21-cv-00253 (D.V.I.) (the “**Boynes Class Action**”), and *Charles v. Limetree Bay Ventures, LLC*, 1:21-cv-00260 (D.V.I.) (the “**Charles Class Action**,” and together with the *Cotton Class Action*, the *Shirley Class Action*, the *Boynes Class Action*, the “**Class Actions**”) and filed the *Motion for Preliminary Injunction, Emergency Motion to Extend the Automatic Stay and, Additionally or in the Alternative, Grant Preliminary Injunctive Relief, Halting the Prosecution of the Class Action Against Debtor and Non-Debtor Defendants* [Dkt. No. 2] (the “**Motion**”).

3. On July 26, 2021, the Court issued a Temporary Restraining Order under Fed. R. Civ. P. 65(b)(1) and ordered a temporary extension of the bankruptcy stay to include Limetree Bay Ventures, LLC, Limetree Bay Terminals LLC, Arclight Capital Partners LLC, Freepoint Commodities, LLC, EIG Global Energy Partners, LLC, and BP Products North America (collectively, the “**Non-Debtor Defendants**”), all defendants in the Class Actions, for fourteen (14) days and ordering briefing regarding additional relief [Dkt. No. 3].

4. On August 3, 2021 and on August 12, 2021, the Plaintiffs in the Class Actions filed oppositions to additional relief with supporting evidence [Dkt. Nos. 8-30, 67].

5. On August 10, 2021, the Court entered a Stipulation and Agreed Order [Dkt. No. 56] (the “**Stipulation**”) which provided that the parties would work consensually in a mediation (the “**Mediation**”) with the Mediator to address the exigent needs of the residents of the U.S. Virgin Islands for access to clean water for drinking, bathing, cooking, and gardening, and the health and safety of pets and livestock (the “**Exigent Health and Safety Issues**”).

## **II. RELIEF REQUESTED**

6. On August 19, 2021, the Debtor, the Non-Debtor Defendants, and counsel to the Class Actions met with the Mediator to plan for the Mediation.

7. On August 26, 2021, the Mediator held a Mediation session with the Debtor, the Non-Debtor Defendants, counsel to the Class Actions, and certain of the Debtor’s excess insurers. Not all insurers were in attendance in part because they were provided short notice of the mediation. Nonetheless, the Insurers have been on notice of the claims asserted against the Debtor in the Class Actions.

8. The Mediator and the parties to the Mediation have agreed that the Mediation will be more effective if the Insurers are present. The Debtor hopes and believes that the Insurers will attend voluntarily. However, to ensure that the next Mediation session is effective, the Mediator instructed the parties to file the instant Motion seeking an order to compel the Insurers to attend.

9. The next session of Mediation may be held as early as Monday, August 30, 2021, as appropriate.

## **III. JURISDICTION AND VENUE**

10. The United States Bankruptcy Court for the Southern District of Texas (the “**Court**”) has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the Amended Standing Order of Reference from the United States District Court for the Southern

District of Texas, dated May 24, 2012 (the “**Amended Standing Order**”). The Debtor confirms its consent, pursuant to rule 7008 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), to the entry of a final order by the Court in connection with this motion to the extent that it is later determined that the Court, absent consent of the parties, cannot enter final orders or judgments in connection herewith consistent with Article III of the United States Constitution.

11. Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

12. The bases for the relief requested herein are sections 105 of title 11 of the United States Code, 11 U.S.C. §§ 101, *et seq.* (the “**Bankruptcy Code**”).

#### **IV. BASIS FOR EMERGENCY RELIEF**

13. The Debtor respectfully requests emergency consideration of this motion in accordance with Bankruptcy Local Rule 9013-1(i). In particular, the parties wish to mediate again early in the week of August 30, 2021 in order to resolve the Exigent Health & Safety Issues. To the extent practicable, the Debtor requests that the Court enter the Order by 4:00 p.m. (CT) on Friday, August 27, 2021. The Debtor believes that the relief requested in this motion is critical to avoid the Debtor having to expend unnecessary costs and expenses related to the Class Actions, preserve the resources of the Debtor’s estate, maintain the viability of the Debtor’s operations and negotiations during this critical stage of these Chapter 11 cases, and ensure a prompt remediation program to address the environmental issues described above. Accordingly, the Debtor respectfully requests that the Court approve the relief requested in this motion on an emergency basis.

**WHEREFORE**, the Debtor respectfully requests that Court issue an order compelling the attendance of the Debtor’s Insurers at the Mediation.

RESPECTFULLY SUBMITTED this 26th day of August, 2021.

**BAKER & HOSTETLER LLP**

/s/ Elizabeth A. Green  
**Elizabeth A. Green, Esq.**  
Fed ID No.: 903144  
**Jimmy D. Parrish, Esq.**  
Fed. ID No. 2687598  
SunTrust Center, Suite 2300  
200 South Orange Avenue  
Orlando, FL 32801-3432  
Telephone: 407.649.4000  
Facsimile: 407.841.0168  
Email: egreen@bakerlaw.com  
jparrish@bakerlaw.com

**BAKER & HOSTETLER LLP**

**Jorian L. Rose, Esq.**  
N.Y. Reg. No. 2901783  
45 Rockefeller Plaza  
New York, New York  
Telephone: 212.589.4200  
Facsimile: 212.589.4201  
Email: jrose@bakerlaw.com  
(Admitted pro hac vice)

*Proposed Counsel for the Debtors and Debtors  
in Possession*

**Certificate of Accuracy**

I certify that the foregoing statements are true and accurate to the best of my knowledge.  
This statement is being made pursuant to Bankruptcy Local Rule 9013-1(i).

/s/ Elizabeth A. Green

Elizabeth A. Green

**Certificate of Service**

I certify that on August 26, 2021, I caused a copy of the foregoing document to be served by the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas and the parties on the attached Exhibit A via email.

/s/ Elizabeth A. Green

Elizabeth A. Green